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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,423	07/25/2003	Jimmy Lynn Webb	RD29532-5	2349
23413	7590	11/17/2004	EXAMINER AULAKH, CHARANJIT	
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			ART UNIT 1625	PAPER NUMBER

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,423

Applicant(s)

WEBB ET AL.

Examiner

Charanjit S. Aulakh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 13-20, 37 and 39-46 is/are allowed.
- 6) ☒ Claim(s) 1, 12, 22, 38 and 48 is/are rejected.
- 7) ☒ Claim(s) 2-10, 21, 23-36 and 47 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

1. Claims 1-48 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 12, 22, 38 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 22, the values of variables a, b, c, d, X and Y defined as ---about--- throughout the claims are indefinite since its meaning is not clear. What is the need of this term in the claim?

In claims 12, 38 and 48, the values of variables X and Y are not defined. Also, the values of variables o, p, q, R20, R21, R22 and R23 defined as ---about---are indefinite since its meaning is not clear. What is the need of this term in the claim?

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Skvortsova (Khimiya Get. Soed., 1976, cited on applicants form 1449).

Skvortsova discloses imidazole compounds. The compounds (RN 61996-88-1 and 61997-03-3) disclosed by Skvortsova anticipate the instant claim when R22 and R23 represent an aromatic functionality, R21 is H or an aliphatic functionality and R20 represents an aliphatic functionality in the instant compounds of formula (V).

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5. Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Skvortsova (

Tez. Doki Nauc. Sess, 1976, cited on applicants form 1449).

Skyortsova discloses benzimidazole compounds. The compounds (RN 66523-48-5 and

66523-49-7) disclosed by Skyortsova anticipate the instant claim when R22 and R23

together form fused cycloaromatic ring or represent aromatic functionality, R21 is an

aliphatic functionality and R20 represents H in the instant compounds of formula (V).

6. Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Abramova (

Khimiya Get. Soed. 1975, cited on applicants form 1449).

Abramova discloses benzimidazole compounds. The compound (RN 58536-64-4)

disclosed by Abramova anticipates the instant claim when R22 and R23 together form

fused cycloaromatic ring, R21 is an aliphatic functionality and R20 represents an

aliphatic functionality in the instant compounds of formula (V).

7. Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Wirth (U. S .

Patent 5,618,778).

Wirth discloses additives for lubricants. The imidazole ompound (see col. 9, second

compound from top) disclosed by Wirth anticipates the instant claim when R21, R22

and R23 all represent H and R20 represents an aliphatic functionality in the instant

compounds of formula (V).

8. Claim 48 is rejected under 35 U.S.C. 102(b) as being anticipated by Hirano (JP 2-

108039).

Hirano discloses direct positive-type color photographic material. The compound (I-6)

disclosed (see col. 29 on page 358) by Hirano anticipates the instant claim when R21

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is H, R22 and R23 together from a cycloaromatic ring fused to the imidazole ring, Y represents aromatic functionality and R20 represents an aliphatic functionality in the instant compounds of formula (V).

Allowable Subject Matter

9. Claims 2-10, 21, 23-36 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

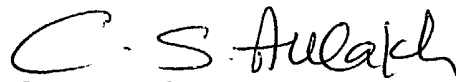
10. Claims 11, 13-20, 37 and 39-46 are allowed since the instant methods using functionalized imidazole mercaptan as a promotor are neither disclosed nor obvious over the prior art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charanjit S. Aulakh whose telephone number is (571)272-0678. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Charanjit S. Aulakh
Primary Examiner
Art Unit 1625